

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Joseph Angelo DiCesare,

Plaintiff,

v.

Gary Makinson, et al.,

Defendants.

Case No. 21-CIV-231-RAW

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**OPINION AND ORDER**  
**DENYING MOTION FOR APPOINTMENT OF COUNSEL**

Plaintiff Joseph Angelo DiCesare has filed a motion requesting the court to appoint counsel [Docket No. 88]. Appointment of counsel in civil cases is disfavored and rare. Plaintiff bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)).

The court has carefully reviewed the merits of plaintiff's claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering plaintiff's ability to present his claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). ACCORDINGLY, Plaintiff's motion [Docket No. 88] is DENIED.

**IT IS SO ORDERED** this 29th day of June, 2023.



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**RONALD A. WHITE**  
**UNITED STATES DISTRICT JUDGE**